

MHNS130004122017

R.C.S No.47/2017



Vasant v/s Bharat

ORDER BELOW EXH. 39

1) The present application is filed by the plaintiff for permission to lead secondary evidence, vide section 65 of the Indian Evidence Act. Called say. No say filed till today, hence proceeded without say of the defendant.

2) Perused the application. Heard learned advocates for plaintiff. Permission to lead secondary evidence regarding the Agreement between plaintiff and defendants regarding alleged road bearing dated 20/05/2003 is sought on the ground that the agreement was registered before Taluka Magistrate accordingly mutation entry no. 1750 was carried out. He further submitted that, original agreement is in the custody of magistrate. plaintiff thus unable to produce it. The applicant has filed on record certified copy of the said document on record. He has also filed on record certified copy of Mutation entry carried out on 27.06.2003 on the basis of alleged document. Accordingly, he has prayed for permission to lead secondary evidence.

3) As per section 65 of the Indian Evidence Act, permission to lead secondary evidence relating to the documents can be given when the original is destroyed or lost or when the party offering evidence of its contents cannot for any other reason not arising from his own default or neglect to produce it in reasonable time along with other reasons. In the present case the alleged document is

registered one. The applicant has filed on record certified copy of the alleged document but its original is in the custody of registering authority. The reason is not arising from the fault of the applicant. Considering the grounds it appears that the applicant could not produce the original within reasonable time. Therefore, the application deserves to be allowed. Hence, I pass following order.

ORDER

- 1) The application (Exh.39) is allowed.
- 2) The applicant / the plaintiff is allowed to lead secondary evidence as prayed.
- 3) Cost in main cause.

Sd/-xxx

Date :- 14/07/2025
Place :- Pimpalgaon (B).

(V. W. Khendad)
2nd Jt.Civil Judicial JuniorDivision
Pimpalgaon (B)